

PERKINS COIE LLP

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December 10, 1998

BY HAND DELIVERY

Ms. Jennifer Boyt
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4821

Dear Ms. Boyt:

On behalf of William R. Pitts, Jr., I write in response to the Complaint filed by Kenneth J. Herman.

Mr. Herman, an unsuccessful third party candidate for Congress, alleges excessive contributions to his political opponent, New York Congressman Rick Lazio, by various individuals, including Mr. Pitts. A review of the actual reports filed by the Lazio campaign shows that Mr. Pitts made a total of \$1,500 in contributions to the campaign in the 1997-98 cycle, as follows:

March 18, 1997:	\$500 for the primary election (reported by the campaign on July 31, 1997)
May 5, 1998:	\$500 for the primary election; \$500 for the general election (both reported on July 15, 1998).

Copies of the relevant pages from the Lazio for Congress Reports of Receipts and Disbursements are attached.

Thus, Mr. Pitts contributed a total of \$1,000 towards Congressman Lazio's September, 1998 primary election and \$500 towards Congressman Lazio's November

[29633-0001/DA983370.048]

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3, 1998 general election, in full compliance with the contribution limits of 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1). Mr. Herman does not allege facts to the contrary, but appears not to understand that the contribution limits apply separately to primary and general elections.

Since the complaint fails to allege any facts demonstrating any election law violation by Mr. Pitts, and the record affirmatively establishes that he in fact complied with the legal contribution limits, I respectfully urge that the complaint against Mr. Pitts be immediately dismissed.

Very truly yours,



Ellen L. Weintraub
Counsel for Respondent William R. Pitts, Jr.

Enclosure

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REPORT OF RECEIPTS AND DISBURSEMENTSFor An Authorized Committee
(Summary Page)RECEIVED
FEDERAL ELECTION
COMMISSION MAIL ROOM

AUG 3 1 46 PM '97

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in NR) Lazio For Congress		2. FEC IDENTIFICATION NUMBER C00323618
ADDRESS (number and street) <input checked="" type="checkbox"/> Check if different than previously reported. c/o Anthony J. Piccirillo 72 East Main Street, Suite 4		3. IS THIS REPORT AN AMENDMENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
CITY, STATE and ZIP CODE Babylon, NY 11702	STATE/DISTRICT NY/02	

4. TYPE OF REPORT

<input type="checkbox"/> April 15 Quarterly Report	<input type="checkbox"/> 12-Day Pre-Election Report for the _____ (Type of Election) election on _____ in the State of _____
<input type="checkbox"/> July 15 Quarterly Report	<input type="checkbox"/> 30-Day Post-Election Report for the _____ (Type of Election) election on _____ in the State of _____
<input type="checkbox"/> October 15 Quarterly Report	<input type="checkbox"/> Termination Report
<input type="checkbox"/> January 31 Year End Report	
<input checked="" type="checkbox"/> July 31 Mid-Year Report (Non-election Year Only)	

This report contains activity for ☐ Primary Election ☐ General Election ☐ Special Election ☐ Runoff Election

SUMMARY

5. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
01/01/97 through 06/30/97		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(b))	\$312,728.10	\$312,728.10
(b) Total Contribution Refunds (from Line 20(d))	450.00	450.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	312,278.10	312,278.10
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	83,288.37	83,288.37
(b) Total Offsets to Operating Expenditures (from Line 14)	1,318.95	1,318.95
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	81,969.42	81,969.42
8. Cash on Hand at Close of Reporting Period (from Line 27)	987,178.04	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	0	

For further information
contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-218-6420

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Anthony J. Piccirillo	Date July 31, 1997
Signature of Treasurer <i>Anthony J. Piccirillo</i>	

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

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(revised 4/97)

RESA1113

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SCHEDULE A ITEMIZED RECEIPTS

Use separate schedule(s)
for each category of the
Detailed Summary Page

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For Line Number
17a (i)

Contributions from Individuals

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions for such committees.

NAME OF COMMITTEE (in Full)
Lazio for Congress

Full Name, Mailing Address & Zip Code	Name of Employer Lent & Scrivner	Date(month day, year)	Amount of Each Receipt this period
Norman F Lent III Lent & Scrivner 555-13th St.NW,Ste 305E Washington, DC 20004	Occupation Consultant	03/18/97	200.00
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Aggregate Year To Date > \$ 200.00		Memo
Full Name, Mailing Address & Zip Code	Name of Employer Lent & Scrivner	Date(month day, year)	Amount of Each Receipt this period
655-13th Street Suite 305 East Washington, DC 20004	Occupation Consultants	03/18/97	500.00
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Aggregate Year To Date > \$ 500.00		
Full Name, Mailing Address & Zip Code	Name of Employer Capital Cities/ABC	Date(month day, year)	Amount of Each Receipt this period
William R Pitts 487 North 24th Road Arlington, VA 22207	Occupation VP Governmental Relations	03/18/97	500.00
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Aggregate Year To Date > \$ 500.00		
Full Name, Mailing Address & Zip Code	Name of Employer Rivkin,Radler & Kremer	Date(month day, year)	Amount of Each Receipt this period
Arthur J Kramer 1111 Park Avenue, Apt 10-b New York, NY 10128	Occupation Attorney	03/18/97	500.00
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Aggregate Year To Date > \$ 500.00		
Full Name, Mailing Address & Zip Code	Name of Employer EDM Realty Partners	Date(month day, year)	Amount of Each Receipt this period
Howard Brumer Edm Realty,750 Lexington Ave New York, NY 10022	Occupation Real Estate	04/18/97	500.00
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Aggregate Year To Date > \$ 500.00		
Full Name, Mailing Address & Zip Code	Name of Employer Peerless Instrument Co. Inc.	Date(month day, year)	Amount of Each Receipt this period
Thomas H O'Brien 9 Haig Place Kings Park, NY 11754	Occupation Director Adv Programs	03/18/97	350.00
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Aggregate Year To Date > \$ 350.00		

SUBTOTAL of Receipts This Page (optional)----->

2350.00

TOTAL This Period(last page this (line number only)----->

48725.00

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REPORT OF RECEIPTS AND DISBURSEMENTSFor An Authorized Committee
(Summary Page)USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) LAZIO FOR CONGRESS		RECEIVED FEDERAL ELECTION COMMISSION MAIL ROOM JUL 17 12 12 PM '98
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported. c/o ANTHONY J. PICCIRILLO		
CITY, STATE and ZIP CODE 72 EAST MAIN STREET, SUITE 4		
STATE/DISTRICT BABYLON, NY 11702 NY/02		
2. FEC IDENTIFICATION NUMBER C00323618		
3. IS THIS REPORT AN AMENDMENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		

4. TYPE OF REPORT

- ☐ April 15 Quarterly Report ☐ 12-Day Pre-Election Report for the _____ (Type of Election)
election on _____ in the State of _____
- ☒ July 15 Quarterly Report ☐ 30-Day Post-Election Report for the _____ (Type of Election)
election on _____ in the State of _____
- ☐ October 15 Quarterly Report ☐ Termination Report
- ☐ January 31 Year End Report
- ☐ July 31 Mid-Year Report (Non-election Year Only)

This report contains activity for ☒ Primary Election ☒ General Election ☐ Special Election ☐ Runoff Election

SUMMARY

6. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
04-01-98 through 06-30-98		
8. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(a))	203,180.54	373,007.54
(b) Total Contribution Refunds (from Line 20(d))	4,500.00	7,100.00
(c) Net Contributions (other than loans) (subtract Line 8(b) from 8(a))	198,680.54	365,907.54
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	50,417.24	102,577.81
(b) Total Offsets to Operating Expenditures (from Line 14)	32.50	864.84
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	50,384.74	101,712.97
9. Cash on Hand at Close of Reporting Period (from Line 27)	1,607,872.65	
10. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)		

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer ANTHONY J. PICCIRILLO	Date 7/15/98
Signature of Treasurer <i>Anthony J. Piccirillo</i>	

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

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(revised 4/87)

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11a (1)

Contributions from Individuals

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions for such committee.

NAME OF COMMITTEE (In Full)

Lazio for Congress

Full Name, Mailing Address & Zip Code <i>Below</i> contribution earmarked through:	Name of Employer	Date(month, day, year)	Amount of Each Receipt this period
Television & Radio PAC 1771 N Street, N.W. Washington, DC 20036	Occupation	05/05/98	\$300.00 MEMO TOTAL FROM CONDUIT
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Aggregate Year To Date > \$ 300.00		
Full Name, Mailing Address & Zip Code	Name of Employer	Date(month, day, year)	Amount of Each Receipt this period
Wayne Vriesman 435 N. Michigan Ave., 1st Fl Chicago, IL 60611	Tribune Broadcasting	06/05/98	300.00 Earmarked
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Occupation V.P. Radio Group. Aggregate Year To Date > \$ 300.00		
Full Name, Mailing Address & Zip Code <i>Below</i> contribution earmarked through:	Name of Employer	Date(month, day, year)	Amount of Each Receipt this period
Television & Radio PAC 1771 N Street, N.W. Washington, DC 20036	Occupation	05/05/98	\$500.00 MEMO TOTAL FROM CONDUIT
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Aggregate Year To Date > \$ 500.00		
Full Name, Mailing Address & Zip Code	Name of Employer	Date(month, day, year)	Amount of Each Receipt this period
William R Pitts 21 Dupont Circle Washington, DC 20036	Capital Cities/ABC	06/05/98	500.00 Earmarked
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Occupation VP Governmental Relations Aggregate Year To Date > \$ 600.00		
Full Name, Mailing Address & Zip Code <i>Below</i> contribution earmarked through:	Name of Employer	Date(month, day, year)	Amount of Each Receipt this period
Television & Radio PAC 1771 N Street, N.W. Washington, DC 20036	Occupation	05/06/98	\$500.00 MEMO TOTAL FROM CONDUIT
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Aggregate Year To Date > \$ 1000.00		
Full Name, Mailing Address & Zip Code	Name of Employer	Date(month, day, year)	Amount of Each Receipt this period
William R Pitts 21 Dupont Circle Washington, DC 20036	Capital Cities/ABC	06/06/98	500.00 Earmarked
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	Occupation VP Governmental Relations Aggregate Year To Date > \$ 1000.00		

SUBTOTAL of Receipts This Page (optional)----->

1300.00

TOTAL This Period(last page this line number only)----->

60800.00